

AMENDED IN SENATE JUNE 25, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 236

Introduced by Assembly Member Swanson

February 6, 2009

~~An act to repeal Chapter 4 (commencing with Section 2067) of Part 8.5 of Division 2~~ *An act to amend Sections 2051 and 2067 of the Labor Code, relating to car washes.*

LEGISLATIVE COUNSEL'S DIGEST

AB 236, as amended, Swanson. Employment: car washes.

Existing law ~~provides that the provisions regulating, until January 1, 2010, regulates the employment practices of car washes remain in effect until January 1, 2010, and are repealed as of that date and defines the term "employer" for the purpose of those provisions.~~

This bill would ~~remove extend that repeal date, thereby continuing the regulation of the employment practices of car washes beyond to January 1, 2010~~ 2014, and would specify that a new motor vehicle dealer, as defined, is not an employer for purposes of these regulatory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 2051 of the Labor Code is amended to*
- 2 *read:*
- 3 2051. As used in this part:

1 (a) “Car washing and polishing” means washing, cleaning,
2 drying, polishing, detailing, servicing, or otherwise providing
3 cosmetic care to vehicles. “Car washing and polishing” does not
4 include motor vehicle repair, as defined in Section 9880.1 of the
5 Business and Professions Code.

6 (b) (1) “Employer” means any individual, partnership,
7 corporation, limited liability company, joint venture, or association
8 engaged in the business of car washing and polishing that engages
9 any other individual in providing those services.

10 (2) “Employer” does not include any charitable, youth, service,
11 veteran, or sports group, club, or association that conducts car
12 washing and polishing on an intermittent basis to raise funds for
13 charitable, education, or religious purposes. “Employer” does not
14 include any licensed vehicle dealer, car rental agency, or
15 automotive repair business that conducts car washing and polishing
16 ancillary to its primary business of selling, leasing, or servicing
17 vehicles. “Employer” *does not include a new motor vehicle dealer,*
18 *as defined in Section 426 of the Vehicle Code, that is primarily*
19 *engaged in the business of selling, leasing, renting, or servicing*
20 *vehicles.* “Employer” does not include any self-service car wash
21 or automated car wash that has employees for cashiering or
22 maintenance purposes only.

23 (c) “Employee” means any person, including an alien or minor,
24 who renders actual car washing and polishing services in any
25 business for an employer, whether for tips or for wages, and
26 whether wages are calculated by time, piece, task, commission, or
27 other method of calculation, and whether the services are rendered
28 on a commission, concessionaire, or other basis.

29 (d) “Commissioner” means the Labor Commissioner.

30 *SEC. 2. Section 2067 of the Labor Code is amended to read:*

31 2067. This part shall remain in effect only until January 1, ~~2010~~
32 2014, and as of that date is repealed, unless a later enacted statute,
33 that is enacted before January 1, ~~2010~~ 2014, deletes or extends
34 that date.

35 ~~SECTION 1. Chapter 4 (commencing with Section 2067) of~~
36 ~~Part 8.5 of Division 2 of the Labor Code is repealed.~~